

September 2015

Issue 47



Letter from the President

by Michelle Lehman

How is it that September has already arrived? Time does fly when you're having fun, and it has been a wonderful year! The TAHRA Board of Directors are an amazing group to work with and have been putting together excellent programs to further our education and advancement in the HR profession. There are still many great events planned for 2015! I hope you will join us for our SHRM Foundation Silent Auction and Networking Event on Thursday, September 10th. Please bring a friend who is not yet a member of TAHRA so we can get to know them and share the many benefits of our membership!



A HUGE thank you to Kirk Turner for an amazing Law Program in August and followed by even more information in the Supervisor Training that afternoon, as always, it was very educational.

Study groups for the SHRM-CP and SHRM-SCP will begin soon. For more information, visit our website http://www.tahra.org/tahra-news_id90.php?action=view&post_id=65. Also, if you are presently certified through the Human Resource Certification Institute (HRCI) you are eligible to use the SHRM "Pathway" to achieve the new SHRM certification using your present credentials for **FREE**, if done before 12/31/2015. For more information on the Pathway visit <http://www.shrm.org/certification/pages/default.aspx>.

Save the date! On October 21st, Joe Gerstandt will return to Tulsa to present our monthly Program Meeting followed by a Diversity Workshop. More details are forthcoming and registration will open soon!

Have a wonderful September, and I hope to see you at one of our many events this month!--Michelle

Chapter 0175

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Follow TAHRA!





Silent Auction to Benefit SHRM Foundation

The TAHRA Networking and SHRM Foundation Silent Auction is next week!

[Sign up today!](#)

Thursday, September 10 | 4:00pm - 7:00pm|
Hard Rock Hotel and Casino - Sky Room 18th Floor
777 West Cherokee
Catoosa, OK 74015

Some items that will be available for purchase through the silent auction are Waterfront Grill Gift Certificate, Themed Gift Baskets, Rustic Cuff Tower and Bracelet Sets, Suite at Hard Rock Hotel and Casino, KitchenAid Blender, McNellie's Gift Card and many more! Proceeds from the silent auction will benefit the SHRM Foundation, a nonprofit affiliate of the Society for Human Resource Management. The SHRM Foundation supports academic research, scholarships, and educational materials that advance the HR profession.

Come and expand your professional network, meet partners that service our profession and bid on coveted silent auction items! Drinks and hors d'oeuvres will be provided.

This event is **free** to TAHRA members. Additional guest registration is \$10 each.

If you have questions or would like to arrange a donation, please contact:
 Alyse (Galarza) McDaniel at alyse@directconnect-us.com or 918-699-0635
 Kristi Spaethe at Kristi.Spaethe@cytec.com or 918-630-0769
 Jackie Evins at jevins@arrowengine.com or 918-699-2253

Thank you to the following for generously supporting TAHRA

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September Program Meeting

Wednesday, September 16 | 11:15am - 1:00pm |
Tulsa Country Club



Workplace Investigations - The Circle of Life

*Presented by Madalene A.B. Witterholt
Crowe & Dunlevy*

Come to our September program meeting as we explore investigation techniques and strategies relevant to Title VII, FLSA, OSHA, and everything in between.

The employee did, said, saw, and !\$%#*?

There is nothing an HR professional likes more than to hear from an employee, either directly or indirectly, that some type of harassing and discriminatory activities are occurring. Sometimes they are secondhand, and a lot of times they do not rise to the level of an action. However, that doesn't mean you don't have to investigate and deal with the situation.

At this program, Madalene Witterholt will share with you different

strategies for handling the initial report, investigating the claim, dealing with co-workers, and putting into place safeguards so you don't have to have another meeting like this again. She will also highlight the most important legal issues for employers to know about before undertaking any investigation of employees.

[Register for Program](#)

Madalene A. B. Witterholt serves as a director for Crowe & Dunlevy. A distinguished alum from the University of Tulsa College of Law, Witterholt serves in the firm's Tulsa office where she specializes in labor and employment, litigation and trial, and workers' compensation law. Before joining Crowe & Dunlevy, Witterholt worked as a law clerk to the Honorable James O. Ellison, judge of the U.S. District Court, Northern District of Oklahoma.

Sponsored by:



September Learning Lab

Thursday, September 24 | 2:00pm - 4:00pm |
Location: OSU Tulsa North Hall - Room 110



The Power of Connection

Presented by Kari Mirabal

Part 1: Top 10 LinkedIn Profile Must Have's for HR Professionals

Part 2: Leveraging LinkedIn to Expand HR Brand Awareness and Engage Others Through Connection

Are you maximizing LinkedIn's full potential for busy HR professionals or losing opportunities to engage and enroll others through the power of connection? When you attend this learning lab, expect to be an active participant in an engaging experience where you will learn new perspectives on how to build lasting connections, explore ways to invite others to learn and exchange HR trends and best practices, and also take away recommendations for ensuring your LinkedIn profile includes 10 key elements for generating "network gravity" (ie: how to attract people to your LinkedIn profile).

- Part 1 of this customized TAHRA learning lab outlines steps to plan, connect, and grow your professional network as well as top 10 must have's for creating an engaging LinkedIn profile for today's competitive HR enthusiasts.
- Part 2 includes is an interactive brainstorming session where ideas are shared related to expanding brand awareness and engaging target audiences (potential new hires or existing employees at your company for example) using the power of connection! Join Kari Mirabal, founder and lead "Sherpa" of JuMar Services, as she shares successful proven strategies for networking smart!

[Register now!](#)

For over a decade, Kari Mirabal has been helping people learn how to network smart. Kari, who is founder and lead LinkedIn Sherpa for JuMar Services, a consultancy in Tulsa, OK, doesn't just "lead the way". Kari empowers audiences by sharing real business examples of proven strategies while also offering customized skill development tips designed to create new opportunities missed by most. Kari's experience, energy, and message invite motivated HR professionals to consider applying unconventional pathways for realizing their potential when it comes to building, maintaining, and strengthening professional connections. She inspires HR audiences nationwide to leverage 21st century tools, such as LinkedIn, to create lasting impressions and generate new possibilities!

Not everyone wants to be a manager...



...but that doesn't mean they're not a LEADER.



This is a paid advertisement.



FLSA'S ATTACK ON CLASSIFYING WORKERS AS "INDEPENDENT CONTRACTORS"

*by Rachel Crawford
VP - Legislative Affairs*

On July 15, 2015, the United States Department of Labor's Wage and Hour Division issued an Administrative Interpretation ("AI") on the Fair Labor Standards Act ("FLSA"). Specifically, the AI addressed the important (and ever controversial) issue of whether a worker should be classified as an independent contractor or employee. This is a pertinent issue for employers because a mistaken classification (i.e. classifying a worker as an independent contractor when he or she really is an employee) exposes the employer to liability for issues such as failure to properly pay minimum wage and overtime pay, failure to

maintain proper records as required by the FLSA, failure to allow leaves of absence under the Family and Medical Leave Act ("FMLA"), failure to properly withhold taxes, failure to pay unemployment insurance, and violations under other statutes and regulations.

As an initial matter, it is important to note an AI is not subject to the notice and comment process required for rule making and, thus, does not have the same force as a DOL regulation. Also, whether courts will defer to the new AI will certainly be debated in future litigation. Regardless, employers should be aware of the AI and its indication of how the DOL will liberally construe who qualifies as an "employee."

The Wage and Hour Division has made clear its goal is to restrict businesses' ability to classify workers as independent contractors. As the Wage and Hour Division Administrator, Dr. David Weil, has said "most workers are employees under the FLSA's broad definitions." Indeed, the Wage and Hour Division maintains that an agreement between an employer and worker that the worker is an independent contractor "is not relevant to the worker's status." That's right. According to the DOL, an employer can be liable for treating a worker as an independent contractor even if that worker agrees he or she is an independent contractor.

In the AI, the Wage and Hour Division relies on the "economic realities" test to determine whether an individual is an employee and entitled to all the legal benefits and protections that comes with such a classification. At the most basic level, this test asks "whether the worker is really in business for him or herself (and thus is an independent contractor)" or "is economically dependent (and thus is [the business'] employee)." The idea is to determine whether a worker has sufficient economic independence separate from the business. Six factors are used in analyzing the "economic realities" test:

1. The extent to which the work performed is an integral part of the employer's business;
2. The worker's opportunity for profit or loss depending on his or her managerial skill;
3. The extent of the relative investments of the employer and the worker;
4. Whether the work performed requires special skills or initiative;
5. The permanency of the relationship; and
6. The degree of control exercise or retained by the employer.

This test is a radical departure from the "control" test (whether the business has a right to control a worker) typically used to determine whether a worker is an independent contractor-"control" is now simply one factor in the analysis. Even though the AI is not established, binding law it should serve as a notice to businesses that the Wage and Hour Division will liberally construe the definition of "employee" in an effort to move more workers, especially those previously considered to be independent contractors, under the protection of the FLSA, FMLA, and other laws. Businesses should, therefore, carefully analyze its relationships with workers in light of the Wage and Hour Division's guidance to determine proper classification of workers.



ATTORNEY GENERAL SCOTT PRUITT
presents the
2015 DISABILITY EMPLOYMENT LAW CONFERENCE:
**FROM DISABLED
TO ENABLED**
OCTOBER 20, 2015 | OKC METRO TECH | STREAMING LIVE

A charitable event benefitting Oklahomans with disabilities and Oklahoma employers by offering practical strategies for successfully employing people with disabilities in compliance with disability employment laws.

Writing Job Descriptions That POP!

by Dixie Agostino, SPHR, CPC
VP - Public Relations



Usually, job descriptions are a list of tasks and qualifications. Try reading one out loud one day, most published job descriptions are very dry and lack the human element that would encourage a fully qualified, "A" level candidate to continue reading! But it doesn't have to be that way! Here are 4 things you can add to your job descriptions to make them so much more appealing to the people that you want to apply!

1. Describe a "day in the life". Be able to explain the breakdown of an average day, what the daily goals and responsibilities are and who this person will interact with.
2. Reflect your culture. Talk about what makes your company unique and what people love about it. Your organization does not need to have Google type benefits to be appealing, and by describing what it's like to work within those walls, you are attracting candidates that will enjoy that environment.
3. Describe the RESULTS you need this person to accomplish. Think this will scare off applicants? Good! You don't need to spend time on those people anyway, if the real results needed are scary to them.
4. Explain how this is a CAREER MOVE. By telling the story of how the results accomplished in this role will affect the company and its mission, potential candidate can see themselves in the role in the future as well as in the now.

By telling the story of the positions, results and company, you can great a visual image of this role that lasts in the mind. This not only sets you apart from your competition, it creates the opportunity for others to remember you down the road and refer other great candidates to your organization!





Engage & Connect for Greater Good

by Denise Reid
Chamber Liaison

The Tulsa region has an amazing amount of opportunities to connect and get involved. The regional OneVoice process allows you to help identify our region's top priorities (state and federal) for the 2016 legislative session. Partners In Education provides connections and resources to schools and teachers to ensure our area student's success. Manufacturing Week is about elevating awareness of manufacturing's economic impact and job opportunities in our region. Diversity Awareness Month is the opportunity to start changing perceptions to ensure we are able to attract and retain the best and brightest talent to our region.

OneVoice Legislative Summit 9/16/15 at the Renaissance Hotel

|7:30am to 12:15pm| - Register to attend this event
events@tulsachamber.com

Partners In Education Kickoff 9/22/15 at Wilson Teaching & Learning Center

|4:30pm - 6:00pm| - If you would like to attend RSVP via
<https://piekickoff2015.eventbrite.com>

Manufacturing Week is September 28th - October 2nd

If you would like more information about how to get involved with Manufacturing Week contact Stephanie Cameron at stephanie@ok2grow.org

Diversity Awareness Month is fast approaching. If your company is celebrating with any type of activities for your employees, let us know. Mosaic is creating a calendar of events of public meetings for the month. We are also creating a listing of companies and organizations holding private meetings for their staff to showcase our region's commitment to diversity and inclusion.

Mark your calendar for the following events:

- **10/1/15** - Tulsa Regional Chamber HR Strategy Session on Diversity Recruiting 8:30-10:00
- **10/8/15** - Small Business Connection Conference & Awards 7:30-1:30
- **10/15/15** - Mosaic Lunch & Learn - CEO Diversity & Inclusion Dialogue with Pierce Norton, president and CEO of ONE Gas 11:30-1:00
- **10/20/15** - Mosaic Monthly Meeting 8:00-9:00
- **10/21/15** - TAHRA Program and Diversity Workshop followed by Mosaic & TAHRA Networking Event 4:30-7:00
- **10/27/15** - Mosaic Diversity Hiring Event 10:00-2:00
- **10/28/15** - Mosaic Networking Event 5:00-6:30
- **10/29/15** - Mosaic Economic Inclusion Forum 8:30-10:00

If you would like to additional information about Diversity Awareness Month or need additional information about events listed above, please contact Denise Reid at denisereid@tulsachamber.com.



Susan	Stone Rogers	Williams & Williams Auction Service	Tien	Tran	HEM Inc
Terri	Lowell	BOK Financial	Jeffrey	Zumwalt	ONEOK Inc
Katherine	Spodoro	KSHR Solutions	Stephen	Pearson	T.D. Williamson
Christine	Easley	Dr Pepper Snapple Group	Valerie	Reynolds	Tulsa Educare, Inc



September 10 - SHRM Foundation Silent Auction and TAHRA Networking

September 16 - Program Meeting - Workplace Investigations - The Circle of Life

September 24 - Learning Lab - The Power of Connection

October 21 - Program Meeting and Diversity Workshop - Joe Gerstandt - More information available soon!

October 29 - Learning Lab - TBA

November 5 - TAHRA Employment Law and Practices Seminar - Save the date - registration open soon!

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

Tulsa Area Human Resources Association
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