



West Sound Human Resource Management Association

West Sound Happenings

June 2006

Save The Date

Monthly Luncheons

July 12, 2006

“Pandemics”

Presenter:
Betty Dunaway,
with
Kitsap County
Health District

Your Company's Name
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Contact Mandy Clute at
360-478-2608 for more
information.



Please continue to check
our website at
www.wshrma.org
for updated information
on the above events.



WSHRMA MONTHLY LUNCHEON

“JUST CAUSE—THE LEGAL ENVIRONMENT”

PRESENTED BY: Kristin Anger, Esq., Summit Law Group

SILVERDALE BEACH HOTEL

JUNE 14, 2006

SPONSORED BY:



Kristin Anger is an employment/litigation attorney with Summit Law Group (<http://www.summitlaw.com>). Her practice involves a full range of labor and employment law matters, including counseling employers on compliance with legal obligations, training, drafting policies and agreements, and representing employers in litigation and administrative proceedings. Kristin regularly speaks to employer groups on a variety of labor and employment topics ranging from leave and accommodation, to conducting workplace investigations, to preparing for grievance arbitration.

Kristin graduated from Santa Clara University in 1990. She was the 1995 Honor Graduate from the University of Washington Law School, and was inducted into Order of the Coif. During law school, Kristin was a member of the Washington Law Review and of the Moot Court Honor Board.

RSVP by June 9, 2006

Date: June 14, 2006
Time: 11:45 a.m. to 1:30 p.m.
Price: \$20.00 Member*
\$30.00 Non-Member*
RSVP: wshrma@artanderson.com
360-479-5600 x2265

SILVERDALE BEACH HOTEL

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Silverdale, WA 98383

360-337-8800

*Add \$10 with no reservation. Cancellations must be received at least 2 days prior to receive refund.

HR

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IN THE NEWS - SHRM.ORG



Become A Member

Are you interested in a SHRM Membership or transferring your membership to our chapter? Please give Linda Corpe, VP of Membership a call with any questions: 360-373-2686 or e-mail to lorpe@amiinter.com

AFFILIATE OF



Job Bank

Please check out our website at www.wshrma.org for current job openings. If you would like to advertise an open HR position in the WSHRMA job bank, please contact Debbie Laudenslager at 360-415-6533 or e-mail to dlaudenslager@kpshealthplan.com

Survey: Minorities Lack Faith in Promotion Policies

By **Rebecca R. Hastings**, *April 2006*

Minority employees are less likely to regard their organization's selection and promotion criteria as fair, a new report finds.

Novations Group Inc., a global consulting organization based in Boston, conducted the survey of 3,100 senior human resources executives. While nearly two-thirds of all employees believe their company's policies are equitable, only 47 percent of minority workers think that's the case. Female employees also have somewhat less trust in their employers' selection and promotion criteria.

Apparent unfairness in selection and promotion is a major cause of employee cynicism, says Novations vice president Tim Vigue. "We weren't surprised to find that as many as one-fifth of all employees in the study distrusts the way in which people are hired or picked for advancement. This simmering resentment undermines teamwork and trust in top management."

Another survey, conducted in 2005 by Novations, indicates that more than 37 percent of the HR executives reported frustration and distrust expressed by minority employees while only 35 percent said the selection and promotion criteria are generally regarded as fair.

According to the 2005 study, half of the HR executives indicated that there is less minority representation in their organization's leadership development program than the percent of minorities in their workforce. Just 24 percent of the HR respondents reported comparable minority participation in leadership programs, while 12 percent said participation is actually greater than the minority presence in the organization.

"Not surprisingly, minority suspicion or cynicism is often well founded," said Novations president and CEO Mike Hyter. "Leadership development programs are essential career pathways at more and more companies. If minorities are underrepresented, they don't get the chance to show what they can do and the potential for advancement is denied them."

According to Vigue, selection policies at many organizations also help prompt the disaffection among employees. "Companies recruit from the same pools all the time ... such as referrals from current employees. The upshot is that organizations keep bringing in the similar kinds of people, which doesn't encourage outreach or inclusion."

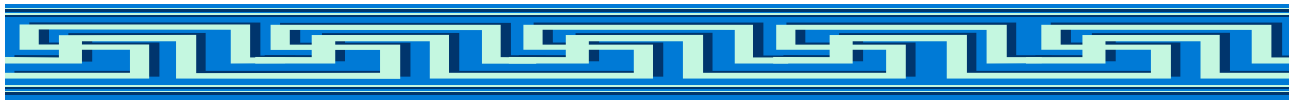
Survey—Cont. from Page 2

An equally serious problem for management is new hires that fail to work out. “It’s astonishing how many people leave a new job within 18 months, sometimes as many as half of a company’s new hires,” says Vigue. Companies need to ask themselves what went wrong and what can be done to improve the selection process.

“Lack of employee trust and excessive new hire turnover should be addressed by establishing hiring practices that are structured, open and inclusive,” Vigue said. “Employers need to define the criteria for positions at all levels, and the criteria shouldn’t be just about technical skills, but soft skills as well.”

Vigue noted that many employers refuse to concede that their hiring or promotion process is flawed. “Most claim to have an objective and inclusive system ... but then they focus recruiting efforts on bonuses for employees who bring in more employees just like themselves,” he said. “What we repeatedly find is that hiring and promotion criteria aren’t transparent, openings aren’t communicated effectively, and procedures aren’t consistent or unbiased.”

Rebecca R. Hastings, SPHR, is online writer/editor for SHRM.



\$50,000 in Regional Scholarships Available

One tangible benefit of the SHRM Foundation is its support of scholarships for SHRM members. All chapter leaders are encouraged to help us spread the word about the 2006 Regional Scholarship Program. 60 scholarships totaling \$50,000 will be awarded in 2006. The awards program is designed to assist working SHRM members in meeting their professional development goals. SHRM members pursuing a college degree or professional certification are eligible to apply for either a \$1300 education scholarship or a \$600 certification scholarship. Twelve scholarships will be awarded in each of the five domestic regions, so applicants compete only with members in their own area. (Members outside the U.S. are also eligible to apply.) **The application deadline is July 15, 2006.** Note: student members and local-only members are not eligible for these awards. Contact Sandi Peyton (speyton@shrm.org) or your regional coordinator to request a free supply of scholarship brochures for your chapter. The scholarships are made possible by your generous support of the SHRM Foundation. Award applications and information are available online at: <http://www.shrm.org/foundation/EducationGrants.asp>.

New Barbara Sanchez Scholarships

An additional scholarship program is now available for HR professionals in the media industry. Five \$1500 scholarships, one in each SHRM domestic region, will be awarded annually to SHRM members pursuing a college degree. Applicants must be SHRM members working full-time in human resources in the media field (includes print, publishing, cable & satellite, broadcasting, motion picture, internet and communications.)

In 2000, a scholarship fund was created to honor the late Barbara Sanchez, an HR director at Newsday and a dedicated member of the Media Human Resources Association (MHRA) board of directors. MHRA was disbanded in 2003, and it was agreed that the remaining scholarship funds would be awarded through the SHRM Foundation. Funding is available for this scholarship program through 2009.

The application deadline is July 15, 2006. Award applications and information are available online at: <http://www.shrm.org/foundation/EducationGrants.asp>. If you have additional question about either scholarship please contact Terry Finch (tfinch@shrm.org) or your regional coordinator.

IN THE NEWS JUNE 2006



SEC won't exempt smaller companies from anti-fraud law

THE ASSOCIATED PRESS

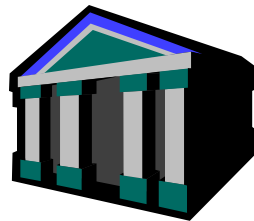
WASHINGTON -- The Securities and Exchange Commission said Wednesday that it has decided not to exempt smaller public companies from a key requirement of a 2002 anti-fraud law, resisting entreaties from business interests that have been complaining about the costs of compliance.

In a statement, the SEC said it will take a series of actions meant to improve the way the law works, "although ultimately all public companies will be required to comply."

At issue is a key part of the **Sarbanes-Oxley law**, which arose from the 2002 corporate scandals: the requirement for companies to file reports on the strength of their internal financial controls and fix any problems. An advisory committee appointed by the SEC formally proposed last month that the agency exempt smaller companies from the requirement -- a move that would affect about 70 percent of all public companies in the United States.

The planned actions announced by the SEC, including providing guidance to companies on complying with the law, "are designed to further improve the reliability of financial statements and to better protect investors" while making the regulatory process more efficient and cost effective, SEC Chairman Christopher Cox said in a statement.

Several lawmakers, meanwhile, formally proposed legislation Wednesday that would exempt companies with a market value of less than \$700 million from complying with the law's requirement.



SCHOOL-TO-WORK



The "School-to-Work Committee is actively looking for additional committee members to help with the school to work initiatives. If you have an interest in helping on the committee, please contact Pam Townsend (hrchr@hollyridge.org).

We also request input from our members regarding the workforce readiness initiative. Please complete the School to Work Questionnaire available on our website on the home page at www.wshrma.org and e-mail to Pam at the address above. We appreciate your input of ideas to this very important program.



HR NEWS - COURT REPORT

8th Circuit: Supervisor's comments led to hefty liability for FMLA retaliation

By Maria Greco Danaher

A supervisor's negative comments about an employee's time off under the Family and Medical Leave Act (FMLA) evidenced unlawful retaliation, according to an [8th U.S. Circuit Court of Appeals](#) decision, which upheld an award of \$107,000 in back pay, plus liquidated damages in the same amount as well as front pay and attorneys' fees.

Denise Hite was diagnosed with major depressive disorder and began to take periodic leaves under the FMLA in 2000 and 2001. Rick Leedom, Hite's supervisor at Vermeer Manufacturing, reacted negatively to Hite's use of FMLA leave. He made remarks to Hite about her illness, telling her that he couldn't "see anything wrong" with her and that she needed to be at work. Leedom complained to other managers generally about FMLA leaves and specifically criticized Hite's absences.

Leedom also began to transfer Hite to different machines than the one for which she had been originally trained. In December 2000, Leedom told Hite that he would permanently remove her from her machine if she continued her absences. While these actions did not affect Hite's pay, Hite complained about the transfers and about Leedom's remarks.

Ultimately, Hite was removed from her original machine and was transferred permanently to another machine, which was larger and more difficult for her to operate. Hite reported to other managers about Leedom's supervision of her and told them that Leedom was treating her differently than other employees by citing her for rule violations not commonly enforced against others.

Hite's last FMLA absence occurred on June 14, 2001. Two months later, Hite requested and received permission from Leedom to place a cell phone call during work hours and on work premises. Although the company had no formal written cell phone policy, employees had been told that they needed a supervisor's permission to make such calls during work hours. No employee had been terminated for cell phone usage at the company.

On Aug. 28, 2001, Hite was informed that she was being fired for using her cell phone away from her machine during company time. Although Hite explained that she had received permission from Leedom, she was told that in addition to the cell phone violation, her entire disciplinary record—including warnings related to attendance—was being considered. This was contrary to the company's practice of only considering one year of history before imposing additional discipline.

In response to the termination, Hite filed suit against Vermeer and Leedom, alleging retaliation under the FMLA. A jury ultimately found in Hite's favor. The 8th Circuit upheld the verdict, finding that while Hite's last use of FMLA leave occurred more than two months prior to her termination, Hite was able to present additional evidence to establish that her firing was related to her FMLA leaves. The court viewed Leedom's comments and the company's escalating actions against Hite as evidence of punishment for Hite's use of FMLA leave. Hite also was able to present evidence that she was treated differently than other employees who used cell phones.

[*Hite v. Vermeer Manufacturing Co., 8th Cir., No. 05-2297 \(May 9, 2006\).*](#)

Professional Pointer: Retaliation claims open a company to liability for large judgments and—in some circumstances—liquidated damages. To avoid liquidated damages, the company bears the burden of establishing that it acted in good faith and had an objectively reasonable belief that it did not violate the FMLA. Because the "good faith" requirement is met when an employer can establish that it intended to act in conformance with the FMLA, companies should ensure that its supervisors understand the obligations outlined by the law, and train supervisors to deal appropriately with employees who request or take FMLA leave.

Maria Greco Danaher is an attorney with the firm of [Dickie, McCamey & Chilcote](#) in Pittsburgh.

Editor's Note: *This article should not be construed as legal advice.*

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Check out our
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