



West Sound Human Resource Management Association

# West Sound Happenings

May 2006

*Save The Date*

**Spring Conference**

**REGISTER NOW!!**

May 8, 2006

**Pump Up your Leadership Skills!**

DETAILS INSIDE

**COMING UP!  
Monthly Luncheon**

**July 12, 2006**

**"Pandemics"**

**Presenter:**

**Betty Dunaway,  
with**

**Kitsap County  
Health District**



Please continue to check our website at [www.wshrma.org](http://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](mailto:wshrma@artanderson.com)  
360-479-5600 x2265

**SILVERDALE BEACH HOTEL**

**3073 NW Bucklin Hill Road**

**Silverdale, WA 98383**

**360-337-8800**

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

**HR**

**LEADING PEOPLE  
LEADING ORGANIZATIONS**

## 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 [lcorpe@amiinter.com](mailto:lcorpe@amiinter.com)

### AFFILIATE OF



### Job Bank

Please check out our website at [www.wshrma.org](http://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](mailto:dlaudenslager@kpshealthplan.com)

### \$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](mailto: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](mailto:tfinch@shrm.org)) or your regional coordinator.



### SHRM/Rutgers Leading Indicator of National Employment (LINE™)

The Society for Human Resource Management (SHRM) and the Rutgers University School of Management and Labor Relations are now releasing its measures for the service sector.

The SHRM/Rutgers LINE index is based on a monthly survey of Human Resource professionals at manufacturing and service sector firms. LINE measures change in five components: number of employees, number of vacant positions, difficulty in recruiting highly qualified employees, compensation offered to new hires, and hiring plans for the upcoming month.

You can sign up to receive updates when the SHRM/Rutgers LINE is released each month at [www.shrm.org/linesignup](http://www.shrm.org/linesignup). To find out more about LINE, go to [www.shrm.org/line](http://www.shrm.org/line).

West Sound Human Resources  
Management Association

# *Pump up Your Leadership Skills*



2006 Spring Conference  
*Monday, May 8, 2006*  
*Kitsap Conference Center*  
*8:00 a.m. to 4:00 p.m.*

8:00 am – 8:45 am – Registration and Continental Breakfast

8:45 am – 9:00 am – Opening Remarks

9:00 am—12 Noon—Strengthen your Relationships—Presented by Val Baldwin

- 9 Magic Connection Keys to Improve All Your Relationships
- Discover Your Personality Style and What Makes You Tick

12 noon to 1:00 p.m. - Lunch

1:00 pm – 4:00 pm – 2 Breakout Session Options

**Session A**—Strengthen your Teams

Presented By: Alice Rowe

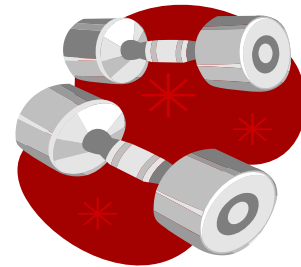
**Session B**—Strengthen your Business Writing

Presented By: Lynn Gaertner-Johnston

Cost: \$129 WSHRMA members

\$149 Member Colleagues

\$179 Non-members



Continental Breakfast and Lunch included.

RSVP: Mail registration form (download from [www.wshrma.org](http://www.wshrma.org)) and send payment and form to:

Kitsap Sun, PO Box 259, Bremerton, WA 98337, Attention: HR.

For further information contact: Mandy Clute at 360-792-3336 or Marie LaMarche at 360-792-3330 or  
Go to our website—[www.wshrma.org/calendar](http://www.wshrma.org/calendar)

Deadline to register is April 26, 2006

## WASHINGTON LEGISLATIVE UPDATE MAY 2006



### L&I Modifies Rule to Protect Outdoor Workers in Hot Summer Sun

The Dept. of Labor & Industries wisely modified an existing rule pertaining to extreme heat in order to protect workers during the upcoming summer months. Some feel an education and training program rather than adopting a previously proposed rule would be less costly for employers.

### Workers' Compensation Employer Reporting Project Getting Closer

L&I is developing the Employer Reporting Pilot Program, established by SHB 2537 in the 2006 legislative session. About 500 large, medium, and small employers will be sought to take part in a pilot where employees report injuries to the employer and the employer reports to L&I, which modifies the current system of reporting injuries only through the physician. Interested in being part of the pilot or want more information? Contact AWB's Kris Tefft at (360) 943-1600 or [KrisT@awb.org](mailto:KrisT@awb.org).

### Federal Updates

On March 15, 2006, the Senate Health, Education, Labor, and Pensions (HELP) Committee passed S. 1955, the Health Insurance Marketplace Modernization and Affordability Act. This legislation would allow small businesses to join together to purchase fully-insured Small Business Health Plans (SBHPs) that could bypass state coverage mandates, only if they also offer at least one health benefit plan that matches a benefit plan offered to state employees in one of the five most populous states. Passage of S. 1955 by the HELP Committee marks the first Senate action on legislation to establish association health plans (AHPs). Senator Mike Enzi (R-WY), the sponsor of S. 1955 and Chairman of the HELP Committee, has already stated that passage of the legislation by the full Senate will be difficult. Consumer and patient advocacy groups are concerned that S. 1955 would eliminate state laws that provide coverage for cancer screenings, mental health care, and well-child care. The Senate will likely consider this bill and other health care legislation during "Health Week," tentatively scheduled for early May. SHRM will be closely monitoring this issue

### To date SHRM's HR Voice Program has accomplished the following:

Alerted our members to urge their federal representatives to co-sponsor the Workforce Health Improvement Program (WHIP) Act in Congress. 7974 letters have been written on this issue!

Urged members to contact the Department of Labor's Office of Federal Contract Compliance Program (OFCCP) to repeal the Equal Opportunity (EO) Survey. 3701 letters have been written to the DOL so far.

Urged members to maintain certain key provisions in the conference report on H.R. 2830, the Pension Protection Act of 2005 and S. 1783, the Pension Security and Transparency Act of 2005. 2487 letters were sent on this issue.

To date, 15,263 letters have been written on the state and federal levels.

Sources: Association of Washington Businesses and SHRM



## 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](mailto: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](http://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: Regular and reliable attendance is essential

By Maria Greco Danaher

Regular attendance is an essential element of a job, even in some circumstances when the employee's absences are for legitimate medical and personal reasons, according to the [8th U.S. Circuit Court of Appeals](#).

James Schierhoff worked for GlaxoSmithKline (GSK) as a packaging mechanic until April of 2002, when his employment was terminated for excessive absenteeism. Prior to that, Schierhoff had been absent from work for various medical and personal reasons, including FMLA leave during both 2000 and 2001, as well as additional personal time off in each year.

Between June of 2000 and March of 2002, Schierhoff had "excused" absences during a total of 172 workdays, which equated to about 40 percent of work time in that period. In or around April 2002, Schierhoff received a termination memo, stating that his absences "have impaired the operation of the department and diminished [his] effectiveness to the company."

Schierhoff sued GSK, alleging both age and disability discrimination. Although he did not dispute the company's assertion that he had often been absent, Schierhoff claimed that he was terminated for other reasons.

He based that assertion on comments by his immediate supervisor, Edward Rohowetz, including, "You know, as old and worn out as you are, why don't you just quit?" Schierhoff thought this question showed that Rohowetz viewed him as generally disabled and too old to work effectively. Schierhoff also argued that because his leaves were taken with GSK's permission, they could not be used as a basis for employment termination, and that the statements were the true reason for the discharge.

The lower court granted summary judgment in favor of GSK. On appeal, the 8th Circuit found that Schierhoff was unable to establish a case of age discrimination because he failed to present sufficient evidence that he was performing his job at the level of GSK's legitimate expectation, as he was not present for over 40 percent of workdays.

The fact that the absences were for legitimate medical and personal reasons did not affect the court's analysis. Further, the court found that Schierhoff was unable to demonstrate that he could perform the essential functions of his job. It stated that "an employee who cannot attend work cannot perform the essential functions of his job. This is true even when the absences are with the employer's permission."

In addition, Schierhoff argued that he had presented "direct evidence" of discrimination in the form of his supervisor's remarks, but the 8th Circuit disagreed. Direct evidence of discrimination must be strong enough to show a specific link between the alleged discrimination and, in this case, Schierhoff's termination.

In this case, there was undisputed evidence that Rohowetz was not involved in the decision-making process that led to Schierhoff's discharge, and had acted only as a "messenger" for the HR manager in communicating the termination decision. Based on that evidence, the 8th Circuit found that Rohowetz's remarks were "stray remarks in the workplace" that did not directly indicate that a discriminatory attitude more likely than not was a motivating factor in the ultimate decision to fire Schierhoff.

[\*Schierhoff v. GlaxoSmithKline Consumer Healthcare LP, 8th Cir., No. 05-1552 \(April 14, 2006\).\*](#)

**Professional Pointer:** Although the employer successfully defended this case, it should be noted that the entire claim rested upon the age- and disability-related remarks of Schierhoff's supervisor. Without those remarks, Schierhoff would have had no evidence—direct or indirect—of alleged discrimination. Because of the expense and disruption of employment litigation, knowledgeable employers should ensure that supervisors are trained to act appropriately and professionally in order to avoid making any inappropriate statements upon which legal claims may be based.

*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.*

West Sound Human Resource  
Management Association  
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**WSHRMA**  
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Check out our  
website at  
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