



West Sound Human Resource Management Association

West Sound Happenings

November 2006

Save The Date

Member Appreciation
Holiday Luncheon
and
SHRM Foundation
Silent Auction

Kitsap Conference Center
December 13, 2006
11:30 a.m. to 2:00 p.m.

Awards Presentation
And
Speaker Topic:
Stress During
the Holiday!!

Free to WSHRMA
Members
Monthly Luncheons

January 10, 2007
Employment Law Update
with
Jennifer Lambert

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

FALL HALF DAY CONFERENCE



**STRATEGIC HUMAN RESOURCES:
IS THERE A YELLOW BRICK
ROAD I CAN FOLLOW?**

PRESENTED BY: JUDY CLARK, SPHR, CPC

PRESIDENT/OWNER: HR ANSWERS

CURRENT SHRM FOUNDATION BOARD MEMBER

WHEN: TUESDAY, NOVEMBER 28, 2006

TIME: 8:00 A.M. TO NOON

REGISTRATION & CONTINENTAL BREAKFAST: 8:00 TO 9:00 A.M.

PROGRAM: 9:00 TO NOON

**WHERE: HARRISON MEDICAL CENTER, SILVERDALE
1800 NW MYHRE ROAD, SILVERDALE, WA 98383, 360-337-8800**

DETAILS INSIDE!!

RSVP by November 21, 2006

Date: November 28, 2006
Time: 8:00 a.m. to Noon
Price: \$40.00 Member*
\$55.00 Non-Member*
RSVP: wshrma@artanderson.com
360-479-5600 x2265

Sponsored by:

**HARRISON
MEDICAL CENTER**

Pay either at the door or mail your payment
in advance with registration form located
on www.wshrma.org.

*Cancellations must be received at least 2
days prior to receive refund.



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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 lcorpe@amiinter.com

Your Foundation at Work: Making a Difference

You know what excellence is. It's people...with talent. People who are dedicated and work hard to continually improve themselves, to be the best they can be. They are able to work with others, to be part of a team and to achieve something bigger than themselves. That's what the HR profession is all about. You work behind the scenes to help your employees and companies achieve excellence. You play a major role in finding talented and dedicated people and you help them develop as individuals and team members. This is an exciting time to be an HR professional. The opportunities to provide leadership in your organization have never been greater, but you must continually increase your professional knowledge and stay one step ahead of the rapid changes taking place all around you. The **SHRM Foundation** helps you to meet these challenges through its support of research, publications and education. The Foundation enables HR professionals like you to make a difference.

The SHRM Foundation: *Investing in Your Future as an HR Leader*

AFFILIATE OF



2006 Distinguished Member Award

WSHRMA WANTS TO HONOR YOU!

Don't be shy. Nominate yourself or a colleague by November 17 for the 2006 Distinguished Member Award. The basic requirement is to have been a SHRM member for 5 years and a WSHRM member for 3 years. Tell us what you have accomplished and how you have demonstrated leadership at your organization or in the community. To download an application and review the application process go to www.wshrma.org.

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



HRCI STUDY GROUP

The WSHRMA study group for the Human Resource Certification Exam began meeting in September at Olympic College in Bremerton. The group meets once a week. If you are interested in joining the group contact Annie Davis at 360-479-0781 or e-mail Adavis@oc.ctc.edu

You may access detailed information on the HRCI exams, including cost, application process, registration deadlines, and other valuable information by visiting the website www.shrm.org/hrci. You must be a SHRM member to be eligible to participate in the WSHRMA study group.

Fees: WSHRMA members— free.

All other SHRM Members (at large and other chapter members)— \$125 for the Winter/Spring Session

FALL WSHRMA HALF DAY CONFERENCE

STRATEGIC HUMAN RESOURCES: IS THERE A YELLOW BRICK ROAD I CAN FOLLOW?

To register, RSVP by e-mailing or faxing on-line registration form (wshrma.org/calendar) to: wshrma@artanderson.com or 360-479-5605 (fax).

PRESENTED BY: JUDY CLARK, SPHR, CPC
PRESIDENT/OWNER, HR ANSWERS
CURRENT SHRM FOUNDATION BOARD MEMBER

When: Tuesday, November 28, 2006

Where: Harrison Medical Center

Time: 8:00 a.m. —Noon

8:00 a.m. to 9:00 a.m.—

Registration & Continental Breakfast

9:00 a.m. to Noon—Program

Cost: \$40 Members; \$55 Nonmember

Sponsored by:

HARRISON
MEDICAL CENTER

A recent survey of medium sized company CEOs provides some valuable information about how they see HR in their organizations. The results are not going to make us happy. The difference between what they want and what they think they have is huge!

This session will review the survey results and offer some insights to many of the questions surrounding Strategic HR. What is it? How can HR professionals demonstrate their strategic skills? What value is it within organizations? And perhaps most importantly, how can HR professionals get there?

Attendees will hear what the executives said about HR, learn about specific actions that can increase HR's professional value, discover how to make an even greater difference to the organizations in which they work, and learn how to push ideas forward and get them approved.

This will not be a philosophical session. Rather, it will provide attendees with concrete ideas that can be implemented in their organizations that are designed to increase HR's professional worth. Come prepared for an often funny, fast paced discussion full of real-life stories from Judy's three decades of HR experience.

Judith (Judy) Clark, SPHR, CPC, is currently serving on the SHRM Foundation Board after six years of service on the SHRM Board of Directors. During her SHRM Board service she was Area V Vice President for two years (which included Oregon, Washington, Alaska, Montana, Idaho, and Wyoming) and Vice President of Professional Emphasis Groups. She is President and Founder of HR Answers, Inc., the largest independent human resources consulting firm in the Northwest. She has over 30 years of human resource experience, more than 20 of which have been in consulting. Additionally, she serves as Adjunct Faculty to the School of Business at Portland State University and the University of Washington teaching Staffing, Compensation, Advanced Compensation, and Communications/Counseling/Conflict Resolution. She is certified as a Senior Professional in Human Resources through the Human Resource Certification Institute and as a Certified Professional Consultant through the International Guild of Professional Consultants.

Nationally recognized as a speaker, Judy has presented several times at national and Leadership Conferences of the Society for Human Resource Management, the National College and University Personnel Association, the National Conference of Credit Union Executives, the National Conference of Bar Association Executives and others. Her busy presentation and training schedule of more than 15 sessions per month reflects her popularity as a presenter in the Northwest and across the nation.



LEGISLATIVE UPDATE NOVEMBER 2006

JobMakers.com, and Association of Washington Business (AWB) sponsored web-site released it's final analysis of 45 bills that were considered during the 2006 legislative session. Labeled as "JobMaker" vs. "JobKiller" bills (excuse the informality), they summarized that six "JobMaker" bills were passed and signed by the governor. These bills included topics such as tax relief for businesses, reforms to the workers compensation system, and reforms to wage payment requirements. The AWB spent considerable time this year blocking legislation as well. Of 34 bills labeled by JobMakers.com as "JobKillers," only six passed, which focused on issues such as healthcare liability reform, and other health care mandates. To review the entire report, visit www.JobMakers.com. *WSHRMA does not endorse or formally support the AWB nor this web-site and this reference is purely for informational purposes only.*

Federal Congress should reconvene after elections in a "lame duck" session the week of November 13 before the official start of a new Congress on January 3, 2007. During this period items left unfinished will have a final opportunity to be completed during this session.

Americans will take the polls on November 7, as we enter the home stretch of the 2006 election cycle. Voters will determine the fate of more than 200 ballot initiatives dealing with issues such as minimum wage, the definition of "marriage," property rights, and state-specific education matters. A lot is at stake! Remember to visit www.shrm.org to access non-partisan information that could prove useful in establishing a "Get Out the Vote" campaign in our community.

Remember to vote on November 7th!

VOLUNTEER TO BE A 2007 WSHRMA BOARD MEMBER

Voting to occur in November 2006—swearing in ceremony at the December luncheon.

Self nominate or nominate someone else for one of the following positions:



- * Education/Certification
- * Diversity - Community Liaison
- * Conference Chair - Spring only (approx Feb through May)
- * School to Work Chair

If interested contact Sharon Tucker at stucker@kitsapcu.org.



COURT REPORT NOVEMBER 2006

9th Circuit: Exclusion of deaf individuals from driving constitutes disability discrimination

By Monica M. Weber

An employer may not categorically exclude deaf individuals from job positions driving commercial vehicles, where the drivers would not otherwise be regulated by the Department of Transportation (DOT), according to the [9th U.S. Circuit Court of Appeals](#). To determine the individuals' ability to perform the job, the employer must use some form of individualized assessment, rather than a job qualification standard that creates a categorical exclusion.

United Parcel Service Inc. (UPS) required all applicants for package-car driver positions to pass the Department of Transportation (DOT) physical, which disqualifies individuals from driving commercial vehicles if they are unable to perceive and understand a "forced whispered voice" or have a hearing loss of greater than 40 decibels. While the DOT applies this standard only to individuals driving vehicles with a gross vehicle weight of at least 10,001 pounds, UPS applied the standard to applicants for all package-car driver positions, regardless of the weight of the vehicle. (UPS's fleet contained 5,902 vehicles with a weight of less than 10,001 pounds.)

Eric Bates, a named plaintiff in the class-action lawsuit against UPS, challenged UPS' application of the DOT standard under the ADA and California state law for positions in which individuals would drive non-DOT regulated vehicles. UPS argued that the plaintiffs lacked standing to bring the ADA lawsuit, because they had not proven they were qualified individuals with a disability. That is, they had not established that they were able to safely drive a package car. UPS also argued that its categorical exclusion of deaf individuals was lawful under the ADA, because it was justified by business necessity. The 9th Circuit, affirming the district court's decision, held that the plaintiff class had standing to bring the ADA lawsuit, because at least one named plaintiff satisfied the qualifications for the package-car driver position (other than passing the DOT physical). These qualifications included having completed an application, being at least 21 years of age, possessing a valid driver's license, having a clean driving record and passing a UPS road test.

UPS then had the burden of proving that the policy was justified by business necessity. The 9th Circuit, in agreement with the district court, ruled that UPS failed to satisfy this burden, determining that all of the studies offered to prove that deaf drivers present a greater risk of accidents than non-deaf drivers were unpersuasive. According to the 9th Circuit, the studies did not correspond to the DOT standard; they were outdated and did not take advantage of advances in technology that could assist deaf drivers; and they were based on subjective beliefs of hearing drivers. Furthermore, the court stated that UPS had not proven that deaf drivers presented a level of risk greater than the level of risk UPS was willing to accept from hearing drivers. For example, UPS did not demonstrate that a deaf driver with no prior accidents was more likely to cause an accident than a hearing driver with two prior accidents, who would not be precluded from driving under UPS policy.

The 9th Circuit also found that there were practical criteria that UPS could use to individually evaluate the driving ability of deaf applicants, including whether the applicant has had specialized driver training, has a clean driving record with the impairment, has previous experience driving commercial delivery vehicles with the impairment, and has passed a supplemental driving test specifically designed to simulate the scenarios of concern. The appeals court ultimately enjoined UPS from using the DOT standard to categorically exclude all deaf individuals from package-car driver positions for vehicles weighing less than 10,001 pounds. According to the court, UPS may require applicants to undergo the DOT physical, but with respect to any individual who fails the DOT physical, UPS must then conduct an "individualized assessment of the applicant's ability and interactively identify accommodations that would enable him or her to safely drive a non-DOT regulated package car. UPS may preclude a deaf individual from driving a package car, but only if it determines that the applicant is unsafe to drive a non-DOT regulated package car after conducting an individualized assessment.

[Bates v. United Parcel Service, 9th Cir., No. 04-017295 \(Oct. 10, 2006\).](#)

Professional Pointer: This case reminds employers that courts will closely scrutinize company policies that categorically exclude individuals with disabilities. HR professionals should identify any job qualification standards that categorically exclude or otherwise discriminate against individuals with disabilities and consider whether individualized criteria can be substituted for, or added to, such policies to determine whether an applicant is qualified to perform the job. While employers are not required to hire unqualified individuals with disabilities, employers should conduct individualized assessments to determine whether individuals with disabilities are able to satisfy the job qualifications.

West Sound Human Resource
Management Association
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Check out our
website at
www.wshrma.org

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