



June 2014
**Twin
Tiers
HR Times**

HRATT Current members:	98
SHRM members:	54 (55%)
Certified members:	17 (17%)

The President's Corner

Hello Everyone,

It's hard to believe the year is almost half over and I am one quarter of the way through my term as president of HRATT. I am inspired by the work of the board to develop the strategic initiatives that will take us into 2015 and beyond. Their efforts motivate me to strive for excellence and I want to encourage you to get involved. We presently have two board positions open: Marketing Chair and Member at Large. There is no previous experience required. These positions simply require your attendance at monthly board meetings and a willingness to learn and contribute to the profession. If you are interested, please drop me a note at Jenine.cleary@mascocabinetry.com.

For those of you who missed our last two programs, we learned a lot from Tony van Dither of Executive Fundamentals on the topic of Employee Communication in May. This month, Nancy Reigelsperger taught us a lot about our Money Habitudes through a fun card game that really helped us look inside ourselves on our views about money. I'm especially looking forward to our Summer Social that will take place immediately following the July Program being presented by Conrad Wolan, Esq. from Sayles & Evans. It's not often that HR Professionals can relax and let their guard down. We are often expected to be the policy police and spend much of our time organizing and coordinating events and less time enjoying them. Well, here is your chance to party on us. Enjoy appetizers and a chance to win some fabulous prizes. We hope to see you on Thursday, July 10 for an informative legal briefing on At Will Employment, Fact or Fiction and a fun time socializing afterward.

Have a safe and enjoyable summer,

Jenine J. Cleary, SPHR

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SHRM Announces New HR Certification

SHRM is committed to ensuring that the certification its members achieve is recognized as best in class and distinguishes them in and prepares them for today's marketplace. Business is changing and employers are demanding that HR professionals adapt to that change – and to stay ahead of this trend for the profession and its members, the Society recently announced it is developing a new HR Certification program based on the competencies required to be an effective HR professional.

In early June, Hank Jackson, SHRM President and CEO, sent an update to the SHRM membership. It is available on the SHRM website at <http://www.shrm.org/Communities/VolunteerResources/Documents/CEOMessage060214.pdf>

In addition, SHRM has created a certification resource page at <http://www.shrm.org/Certification/SHRMCertification> with links to a Frequently Asked Questions (FAQs) document that is continually being updated as new information is available.

If you still have questions or concerns once you've reviewed this information, please contact Susan Post, SPHR, CAE (susan.post@shrm.org), who would be happy to assist you. Susan is SHRM's Divisional Director East, and the primary liaison to SHRM's members, volunteer leaders and affiliates in NY state.



NYS SHRM State Conference 2014

September 28-30, 2014 | Buffalo, New York USA

EMPLOYMENT LAW UPDATES

by

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More Minimum Wage News

April's newsletter highlighted some of the proposed changes happening at the federal level regarding minimum wage rates. News from Albany suggests that similar changes are happening closer to home. Governor Andrew Cuomo announced that next year he will push for a new minimum wage of \$10.10 an hour. Currently New York's minimum wage is \$8.00 an hour, increasing to \$9.00 by the end of next year. Governor Cuomo is also planning to advance a plan next year that would allow local governments to increase their minimum wage up to 30% higher than the state's rate. This flexibility would allow governments in cities with a higher cost of living, such as New York City, to adjust the rate to reflect their own market.

Across the country, Seattle recently enacted the highest minimum wage rate in the nation: \$15.00 an hour. This wage represents more than a 60% increase from the current minimum wage of \$9.32 and will be completely phased in by 2021. Smaller employers whose employees collect tips and benefits have the most amount of time to implement the new rate.

Whistleblower Retaliation Claims

The highest court in New York recently overturned longstanding precedent regarding actions under the state's whistleblower statute in *Webb-Weber v. Community Action for Human Services, Inc.* The whistleblower statute provides that an employer cannot retaliate against an employee because an employee discloses or threatens to disclose a practice of the employer that is in violation of a law, rule, or regulation or that constitutes a danger to public health or safety. Previously, when an employee brought a complaint alleging retaliation, the complaint needed to state the specific law, rule, or regulation allegedly violated. Now, the new law holds that when pleading a retaliation claim under the whistleblower statute, the employee need not specify the actual law, rule, or regulation allegedly violated by the employer and instead only needs to state the alleged illegal activities, policies, or practices of the employer. In order to be ultimately successful, however, the employee must still prove the employer committed an actual violation.

Additional Whistleblower News

The Occupational Safety and Health Administration (OSHA) is partnering with the National Labor Relations Board (NLRB) to direct OSHA whistleblower complaints that are time-barred to the NLRB for further review. Between 300 and 600 OSHA whistleblower cases each year are either dismissed or not filed because claims are not brought within 30 days. NLRB's deadline is longer. This partnership likely means that employers can expect an increase in charges as more whistleblower complaints will be investigated.

3 Tips on Hiring Top Talent to Grow Your Organization

Use Available Tech Tools

One of the best things that HR people and recruiters are doing is utilizing the right social media platforms in the right way. For example, LinkedIn can really speed up your hiring process, and it can help both parties to know more about each other before they actually sit down for interviews. By optimizing your LinkedIn profile and using it to your advantage, you're taking a lot of busy work and guesswork out of the equation.

The same is true for other digital venues where you can post your job ads. Automatic features can really help you to do more with less effort, and can make the difference in helping you make those vital connections to keep your company afloat.

Write Good Job Advertisements

Did you know that a hiring manager also benefits from being a good writer? We often think about these things as being mutually exclusive — but the truth is that the well-written job ads are going to win out. It's really to your benefit to almost make your job ads like marketing copy. You want the best people, and you want them to be attracted to you. You want to get those people who could go anywhere, but choose to come to your business. For this reason, you want your job ad copy to really present your positives, and to engage and draw in readers.

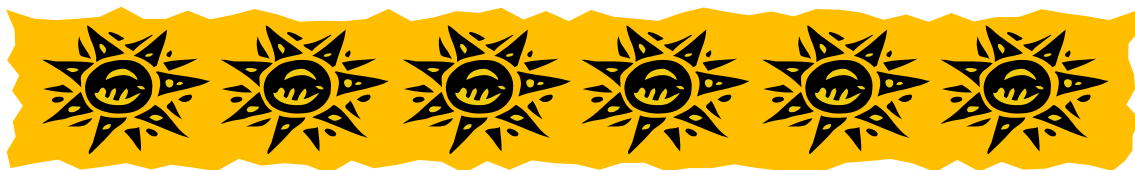
Too many companies use boring, unattractive job ads and think they're going to get competitive talent. That's just not true anymore, because the best people have a lot of options.

Fine-Tune Your Intake Process

Another thing that really turns off the most desirable and talented job candidates is when they have to jump through a lot of hoops in a hiring process. It's even worse, in their minds, when they think that a company is disorganized in the way that it takes in people.

To look good and make the process more convenient, take a lot of the busywork and templating out of your hiring processes. Instead of just shoving a generic document in someone's face, make the initial interview welcoming and comfortable. It's also important to make it look like you and others are well prepared for these interviews and that you know what goes on at each stage, rather than delaying and presenting confusion about what job applicants and hirers should be doing at any given stage.

These three basic steps are going to help you to consistently get the best people in front of you. Companies are using these kinds of strategies to excel in an environment where there may be high unemployment, but a certain elite skill set of workers is still highly valued and sought out within different industries.



REMINDER:

THE JULY PROGRAM WILL BE THURSDAY, JULY 10TH AT 3:30 AT TAG'S.

CONRAD WOLAN FROM SAYLES & EVANS WILL BE GIVING AN INFORMATIVE LEGAL BRIEFING ON AT WILL EMPLOYMENT, FACT OR FICTION. AFTER THE BRIEFING, THERE WILL BE APPETIZERS, SOFTDRINKS, AND A CHANCE TO WIN SOME FABULOUS PRIZES, AS WELL AS SOCIALIZING WITH FELLOW HR PROFESSIONALS.

EEOC Guidance Gives Examples of Reasonable Accommodations

Four informal guidances released by the Equal Employment Opportunity Commission (EEOC) on May 15, 2013, highlight specific types of reasonable accommodations for people with cancer, diabetes, epilepsy and intellectual disabilities. Many of them are looking for jobs or are already in the workplace. While there is a considerable amount of general information available about the ADA [Americans with Disabilities Act], the EEOC often is asked questions about how the ADA applies to these conditions.

Cancer

More than 12 million Americans had cancer in 2008, the most recent year for which incidence data is available. The EEOC provided examples of accommodations that organizations could make for people with cancer, such as:

- Leave for doctors' appointments and/or to seek or recuperate from treatment.
- Periodic breaks or a private area to rest or to take medication.
- Modified work schedule or shift change.
- Modification of office temperature.
- Permission to use work telephone to call doctors if the employer's usual practice is to prohibit personal calls.

Diabetes

Approximately 18.8 million Americans get diabetes and nearly 2 million more are diagnosed each year. The EEOC listed the following examples of reasonable accommodations that employers could make:

- A private area to test blood-sugar levels or to administer insulin injections.
- A place to rest until blood-sugar levels return to normal.
- Breaks to eat or drink, take medication or test blood-sugar levels.
- Leave for treatment, recuperation or training on managing diabetes.
- Modified work schedule or shift change.
- Use of a stool for someone who has difficulty standing a long time because of diabetes-related nerve damage (i.e., neuropathy).

Epilepsy

One in 10 adults has seizures during her lifetime. There is not a cure yet, but drugs prevent seizures in many epileptics who take them regularly. Seizures can be controlled for substantial periods in 50 percent of epileptics, the EEOC noted. Suggested accommodations include:

- Breaks to take medication.
- Leave to seek or recuperate from treatment or adjust to medication.
- A private area to rest after a seizure.
- A rubber mat or carpet to cushion a fall.
- Adjustments to a work schedule.
- A consistent start time or schedule change.
- A checklist to help remember tasks.
- Permission to bring a service animal to work.
- Someone to drive to meetings and other work-related events.

Intellectual Disabilities

Individuals with intellectual disabilities (formerly referred to as the mentally retarded) have an intelligence quotient below 70 to 75, the agency noted. Suggested accommodations for the mentally disabled include:

- Tweaked training on how to do the job, such as instructions at a slow pace, additional time to finish training, descriptions of job tasks in sequential steps, and the use of charts, pictures or colors.
- Extra training when necessary.
- A tape recorder to record directions as a reminder of steps in a task.
- Detailed schedules for completing tasks.
- A job coach, who can help the employee learn how to do the job; provide intensive monitoring, training, assessment and support; and help develop a healthy working relationship between management and the employee by encouraging appropriate social interaction.
- Modified work schedule or a shift change.
- Help in understanding job evaluations or disciplinary proceedings.
- Acquired or modified equipment.

The EEOC also noted that since Congress enacted the **ADA Amendments Act of 2008, which took effect in 2009**, individuals with a wide range of impairments—including cancer, diabetes, epilepsy and intellectual disabilities—have been presumed to have an ADA disability. So, courts now more frequently reach the question of whether persons with disabilities have been reasonably accommodated.

(Revised article by Allen Smith 5/20/2013) *Allen Smith, J.D., is the manager of workplace law content for SHRM. Follow him @SHRMlegaleditor.*

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The Human Resource
Association of the Twin Tiers

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The Association

The Human Resources Association of the Twin Tiers (HRATT) is an organization for human resource professionals from the private and public sectors who daily deal with personnel matters, wage and salary administration, labor relations and other aspects of human resource management.

HRATT serves the Twin Tiers including the counties of Chemung, Steuben and Schuylar in New York, and Bradford and Tioga counties in Pennsylvania.

HRATT meets on the 2nd Thursday of the month in the Elmira-Corning area. Meetings usually alternate between breakfast and lunch unless otherwise indicated, except July and August. On the months where a holiday is involved in the week, we move the meeting to the 3rd Thursday of the month.

Goals

1. Provide the members a means for exchange of information on area HR practices & challenges.
2. Further members' professional development and education.
3. Develop & publish a survey of wage/salary & HR practices in the area.
4. Enhance the area's labor relations image.

Benefits of HRATT Membership

- Monthly meetings dealing with local and national HR issues.
- Professional speakers covering current HR topics.
- HRATT Membership Directory.
- Networking with local HR professionals.
- Opportunities for professional and personal growth

VISIT US ON THE WEB:
WWW.HRATT.ORG

