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@SHRMTopeka



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Topeka SHRM

ADDRESSING THE NEEDS OF HR PROFESSIONALS AND FOSTERING THE DEVELOPMENT OF SHRM'S VISION.

Leadership Quote of the Quarter: "When people talk, listen completely."
—Ernest Hemingway



From the President

First of all, I would like to take a moment to share some exciting news. I am pleased to announce that your very own Topeka SHRM Chapter has recently been recognized by SHRM for a few awards!

Gold EXCEL Award

This is a SHAPE (SHRM Affiliate Program for Excellence) award which recognizes outstanding achievements in chapter operations and a commitment to providing meaningful programs and services to your members. Thank you to all of our board members for your hard work, dedication and passion. The time you spend volunteering makes our chapter the best it can be. I also want to thank our members for your feedback and for being an active participant in this journey as you continue to grow and develop as an HR professional.

SHRM Membership Superstar Award

This is a big THANK YOU to all of our new and existing members! Through your chapter support, bringing guests and encouraging others to join we are sustaining strong membership numbers and helping those who join improve in their profession. A special thank you to our membership board members for their hard work!

Fall is a time where everything we see outside is changing and is such a wonderful time of year. Those with seasonal allergies, hang in there! Sometimes when we professionally feel that we need some rejuvenation and inspiration, who do you turn to? Don't forget - your HR peers and the network of HR professionals in our Topeka SHRM Chapter are here to help! Whether it is professional guid-

ance, networking for new ideas or support or peer to peer mentoring, remember to use the many human resource professionals that are right here in Topeka!

Speaking of goals and motivation, now that we are well into the second half of the year many people start to check-in and see how they are doing on the goals they set in place in the beginning of the year. Some of you have goals that you haven't started working on yet, others you have completed and some are still in progress. Whether these are personal goals or professional goals, this is a good time to stop, review your progress for the year and make sure you are fully committed, engaged and motivated to



2015 Board of Directors

President: Brenna Mannell, SPHR, SHRM-SCP
President-Elect: (vacant)
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Programs & Training Director: Holly Perkins, JD
Programs & Training Director-Elect: (vacant)
Membership Director: Ashley Esquibel, PHR, SHRM-CP

Membership Director-Elect: Debra Bush
Finance Director: Connie Fulton, PHR, SHRM-CP
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Communications Director: Lakeisha Williams, SPHR
College Relations Director: Andrea Gilchrist

Contd.— Welcome from the President

accomplish what you have set out to achieve. There are tons of articles and books on motivation, but I recently came across a Forbes article that was perfect for a mentoring session I was about to host and I wanted to share this with you. Below is a short recap from the article, and the entire article is located here: [Forbes Article: How You Can Get Motivated to Reach Your Goals](#).

1. Readjust your focus.
2. Identify your greatest sources of inspiration and motivation.
3. Identify environments and activities that unlock energy and creativity

*Motivation is fire from within.
If someone else tries to light that fire under you,
chances are it will burn very briefly.
— Stephen R. Covey*

Thank you for your membership, your time and your dedication to our amazing profession. We look forward to seeing you at our upcoming sessions!

Brenna Mannell, SPHR, SHRM-SCP
2015 SHRM—Topeka Chapter President



Already certified?

The SHRM Certification Pathway is Closing

If you are a current holder of an HR generalist certification* in good standing and you obtained your certification by January 31, 2015, you are eligible for SHRM's new certification – at no cost – by completing the online tutorial pathway described in the steps below by December 31, 2015.

1. Visit shrmcertification.org/pathway.
2. Create an account and select "Online Tutorial Pathway."
3. Affirm that you hold a valid HR credential.
4. Enter current certification details: certification name, issue date and expiration date.
5. Agree to abide by the SHRM Code of Ethics.
6. Access and complete the Online Tutorial via the link sent to your e-mail.

Receive your SHRM credential once you complete the pathway process, and begin a three-year recertification cycle. For up-to-date details on recertification, visit shrmcertification.org/recertification.

You will not lose or have to give up any of your current credentials in order to obtain the new SHRM certification. Any professionals who did not obtain a generalist certification by January 31, 2015, will not be eligible for the online

UPCOMING MEETING DATE:

Thurs., Oct 22

Meeting Topic: See the Forest for the Trees: HR Metrics, Analytics & Financials for a Strategic Advantage

Speaker: Dina Cox
CAS Constructors LLC

Time: 11:30am—1:00pm

Location: Capitol Plaza Hotel

Register today!
www.topeka.shrm.org

Pre-approved for 1 Business HRCI certification credit!



The use of this seal is not an endorsement by the HR Certification Institute of the quality of the activity. It means that this activity has met the HR Certification Institute's criteria to be pre-approved for recertification credit.



Volunteer Opportunities!

Have you ever been interested in volunteering on a board? Or, maybe volunteering on a committee to help make progress on a topic you are passionate about? If you have an interest, don't let time stand in your way.

Current Volunteer Opportunities for the 2016 Topeka SHRM Board:

**Programs & Training Director-Elect
Finance Director-Elect
Membership Director-Elect**

Please reach out to any of our [board members](#) and let us answer any questions you have about volunteering with the Topeka SHRM Chapter.

Workforce Readiness – Annual Clothing Drive **More information coming soon!**

When is the last time you took inventory of what's in your closet? Do you have gently used professional clothing that you could donate? A great excuse to get in some shopping! During our upcoming meetings, we would like to ask members and guests to please bring your gently used professional clothing for donation to those in need. More information will be emailed out with the meeting announcements.

Let's Help will be the recipient of our chapter's this year's clothing drive. This is a part of Topeka SHRM's Workforce Readiness commitment to the community.



Toys for Tots – Donation Drive **More information coming soon!**

Think back to when you were just a kid and it was that time of year when it was cold, snowy, school was out and you couldn't wait to open your presents! Unfortunately, not every child has that experience. We would like to ask members and guests to please bring a new toy to donate to Toys for Tots. More information will be emailed out with the meeting announcements.

This is a part of Topeka SHRM's commitment to the community.



DID YOU KNOW?

- The EEO-1 Joint Reporting Committee has extended the deadline for all EEO-1 Report Filers from September 30, 2015 to October 30, 2015.
- In some cases, employees may opt to take time off to vote in fall elections. At least 30 states have adopted laws to govern voting leave, and many of those states require this leave to be paid—although in some cases, employers may limit voting leave to the beginning or end of an employee’s shift. Additionally, some states, including California and New York, require employers to post a notice prior to Election Day explaining employees’ voting leave rights.
- On July 6, 2015, the Department of Labor published rules that could more than double the salary requirements to qualify for executive, administrative and professional overtime exemptions. Final rules are expected in 2016 but in the meantime, employers can prepare by budgeting for increased overtime costs and/or salary increases.
- Using snail mail for FMLA notices may be insufficient. The U.S. Court of Appeals for the Third Circuit recently ruled that an employer may not rely on “the Mailbox Rule” to prove that the employer provided an employee with notice of his or her rights under the Family and Medical Leave Act (FMLA). The FMLA requires employers to provide both general notices of employees’ rights under the FMLA, and employee-specific notices of rights and obligations when an employee takes FMLA leave. The ruling could now require employers to prove that they provided the required FMLA notice of rights to every employee by a traceable means rather than first-class mail. See more at: <http://www.shrm.org/hrdisciplines/benefits/articles/pages/fmla-notices-mailing.aspx#sthash.y9Wg9t5O.dpuf>



SHRM’s New HR Certification

- SHRM Certified Professional (SHRM-CP) and SHRM Senior Certified Professional (SHRM-SCP) are based upon a single, comprehensive Body of Competency and Knowledge (BoCK) and are relevant worldwide, giving professionals the recognition and flexibility to use their knowledge, skills and competencies anywhere their career takes them.
- SHRM-CP and SHRM-SCP test HR knowledge as well as competencies and their application to ensure the professional’s ability to demonstrate what they know, and what they can do with their knowledge in the variety of situations they encounter.
- Using a global definition of HR experience for exam eligibility, one that is not based on exempt or non-exempt status

Questions?: <http://shrmcertification.org>

Changing Reason for Firing Supports Disability Bias Claim

By Jeffrey L. Rhodes

See more at: <http://shrm.org/legalissues/federalresources/pages/changing-reasons-disability-claim.aspx#sthash.GwbL8Y3v.dpuf>

An employee's disability discrimination claim should not have been dismissed before trial when the employer's reason for the firing changed, the 5th U.S. Circuit Court of Appeals ruled.

In 2009, Nicole Burton was hired as a temporary employee for a computer microchip manufacturer, Freescale Semiconductor Inc., through a temporary placement firm, Manpower of Texas. During her employment, Burton received positive to neutral reviews. However, in early 2011, Burton broke a wafer, which is the platform upon which microchips are seated. Burton was counseled for doing so by Manpower. On March 1, 2011, Burton breathed in chemical fumes at the worksite. On April 12, 2011, Burton reported chest pains at work and received treatment. Burton visited the emergency room again on May 9 and May 17. In mid-June, Burton notified Freescale and Manpower that she believed her health condition was caused by her exposure to fumes. This resulted in the filing of a workers' compensation claim.

Toward the end of June, the company alleged that it caught Burton using the Internet for personal reasons. Freescale's manager, Bruce Akroyd, then decided to fire Burton due to her damaging a wafer and her alleged failure to comply with the company's policies. Akroyd asked the temporary placement firm to discharge Burton, but the firm initially stated that it did not believe a discharge was appropriate. To substantiate the firing, Akroyd and Manpower later created documentation of performance deficiencies by Burton, including failure to keep her nose covered in the workplace. In late July 2011, Freescale and Manpower terminated Burton's employment.

In response, Burton filed a charge of discrimination under the Americans with Disabilities Act (ADA) with the Equal Employment Opportunity Commission. Burton then filed a federal lawsuit against Freescale and Manpower for violation of the ADA and retaliation for her filing of a workers' compensation claim. The district court granted the motions filed by Freescale and Manpower for summary judgment, deciding that the case should be dismissed before trial. The court determined that the reasons given by both companies supported discharge and showed that the companies were not motivated by discrimination or retaliation.

On appeal, the 5th Circuit disagreed with the district court and ruled that the changing reasons for the firing show evidence of discrimination. The 5th Circuit reasoned that the fact that the decision had been made in late June meant that the documentation created in July could not have been relied upon for discharge. Moreover, the documentation of poor performance after the late June decision, with the absence of prior documentation, actually showed that the reasons for Burton's firing were pretextual.

Based on this reasoning, the 5th Circuit reversed the district court's decision dismissing Burton's discrimination claim. However, the appellate court upheld the dismissal of Burton's claim of retaliation based on her workers' compensation charge. It found that Freescale, which did not provide workers' compensation insurance for Burton, made the decision to terminate Burton. Because it did not pay for workers' compensation insurance, it could not have been motivated by retaliation. Manpower, which provided workers' compensation insurance, did not initiate the discharge decision, thus proving that it was not motivated by retaliation.

Burton v. Freescale Semiconductor Inc., 5th Cir., No. 14-50944 (Aug. 10, 2015).

Professional Pointer: Employers are well-advised to keep records of poor performance prior to discipline or discharge. If records do not exist, however, an employer should not try to fill this gap by writing up an employee after making a disciplinary decision. This may suggest an effort by the employer to "cover up" the reasons for its decision.

Jeffrey L. Rhodes is managing partner of the civil division of Albo & Oblon LLP, a business and employment law firm in Arlington, Va. -



An audit of our 2014 financials was performed on September 11, 2015 by Brenna Mannell, Erin Brown, Debra North, & Connie Fulton. Audit finding found everything to be satisfactory.

Thank you to those that diligently and accurately handle our chapter's financials.



Have you recently obtained your SHRM-CP, SHRM-SCP, PHR or SPHR?

If you've obtained an HR certification, we want to know! We are asking all HR certified members to please update your online profile with the appropriate certification designation(s). All you need to do is follow the steps below. If you have any problems updating your profile, please contact Lakeisha Williams at lakeisha.williams@bartwest.com.

1. Go to <http://topeka.shrm.org>
2. Click **Sign In** in the top right-hand corner of the homepage
3. After logging in, a snapshot of your profile will display. Scroll to the bottom of the snapshot to see if your certification designation(s) is correct. If you have both the SHRM and HRCI designations they will both display. If they are correct, no need to go any further; if they are not correct, please proceed to step #4.
4. To update your certification designation, click the **Certification Information** button found towards the top of the webpage.
5. Select your certification designation(s) the click **Save**.

2015 Chapter Meeting Schedule

Month	Meeting Type	Meeting Date	Meeting Time	Presenter	Topic
September	No Meeting—KS SHRM State Conference				
October	Luncheon	10/22/2015	11:30am— 1:00pm	Dina Cox	HR Metrics & Analytics <i>(pre-approved for Business HRCI credit)</i>
November	Luncheon	11/19/2015	11:30am— 1:00pm	Cleveland Marburgh	Understanding FLSA Laws
November	Training	11/19/2015	1:30pm— 4:00pm	Cleveland Marburgh	Understanding FLSA Laws (extended training session)
December	Luncheon	12/17/2015	11:30 — 1:00pm	TBD	Chapter Member Appreciation